

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

VINCENT J. RUIZ

Plaintiff,

Civ. No. 6:22-cv-00214-MK

OPINION AND ORDER

v.

BRUCEPAC, INC., et al.

Defendants.

AIKEN, District Judge

Magistrate Judge Mustafa T. Kasubhai has filed a Findings and Recommendation (“F&R”), ECF No. 26, recommending that the case be dismissed without prejudice based on Plaintiff’s failure to prosecute.

Under The Federal Magistrates Act, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to

require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

In this case, Plaintiff has filed Objections, ECF No. 29. Defendant did not file a response. The Court has reviewed the full record, including the F&R and Plaintiff’s Objections. The Court finds no error and therefore ADOPTS the F&R, ECF No. 26. Plaintiff’s Complaint, ECF No. 1, is DISMISSED without prejudice and the case ORDERED administratively closed.

It is so ORDERED and DATED this 24th day of October 24, 2024.

/s/Ann Aiken
Ann Aiken
U.S. District Judge